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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,757	10/29/2003	John A. Sollars JR.	2056B	6684

7590

04/21/2006

John E. Vick, Jr.
Legal Department, M-495
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Spartanburg, SC 29304

EXAMINER

CULBRETH, ERIC D

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/696,757	SOLLARS, JOHN A.	
	Examiner	Art Unit	
	Eric Culbreth	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16, 18-20, 22-25 and 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-16, 18-20, 22, 23, 37 and 38 is/are allowed.
- 6) ☒ Claim(s) 24, 25 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 24-25 and 29-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 24(c), line 1, it is inaccurate to recite the first and second yarns alternating from the first layer to the second (in the disclosure, either the warp yarns or weft yarns alternate, but there is no disclosure that both alternate, nor is it illustrated (note 37 CFR 1.83).

b. In claim 25, last line, the underlined hyphen after “across” should be deleted.

c. In claim 31(c), line 1, it is not clear which “yarns” are meant, as first and second yarns were previously recited.

d. In claim 31(c), lines 2-3 “further where said crossovers are provided such yarns assume a plain weave pattern” is unclear (apparently “that” should follow “such”).

e. In claim 36(d), lines 1-2, it is inaccurate to recite that the warp and weft yarns previously contained in the first layer form the second layer (as with claim 24(c) above, there is no disclosure that warp and weft yarns form the first and second layers in one embodiment).

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 25 and 29-30 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Buchner et al (US Patent 3,792,873 (of record)).

Buchner et al discloses an inflatable airbag cushion having closely spaced woven in joints comprising (Figure 4) a plurality of second yarns 24, 25 running a first direction, a plurality of first yarns 21, 23 running in a perpendicular second direction, and first and second joints at yarns 23 parallel to each other. The joints comprise regions of yarn interlacement with associate first and second layers (formed by yarns 24 and 25) to each other and yarn crossover between the first and second layers as broadly recited (i.e., the yarns forming layer 24 cross over the yarns forming layer 25; it is noted that claim 25 does not require the yarns crossing over to form part of the other layer in the manner the other independent claims do). Between two and 12 (i.e., 9 in Figure 4) yarns 21 are provided between joints, which would include about two to about eight yarns between joints (at least), and four yarns (at least, as broadly recited).

Allowable Subject Matter

5. Claims 10-16, 18-20, 22-23, and 37-38 are allowed.

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6. Claims 24, 31 and 36 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 32-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Culbreth
Primary Examiner
Art Unit 3616

ec

REPLACEMENT SHEET

CASE 2056B

SERIAL # 10/696,757

INFLATABLE AIRBAG AND METHOD OF MAKING THE SAME
SOLLARS

1/6



Approved
EC
4/17/06

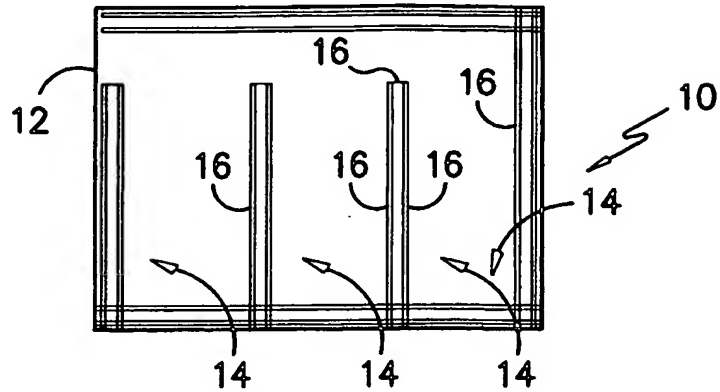


FIG. -1-

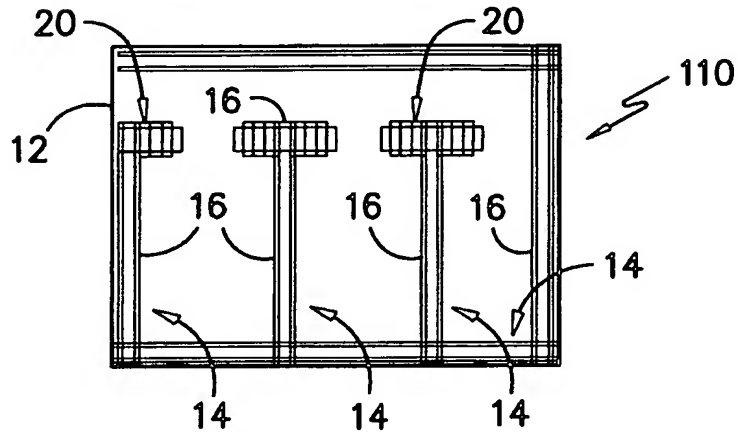


FIG. -2-

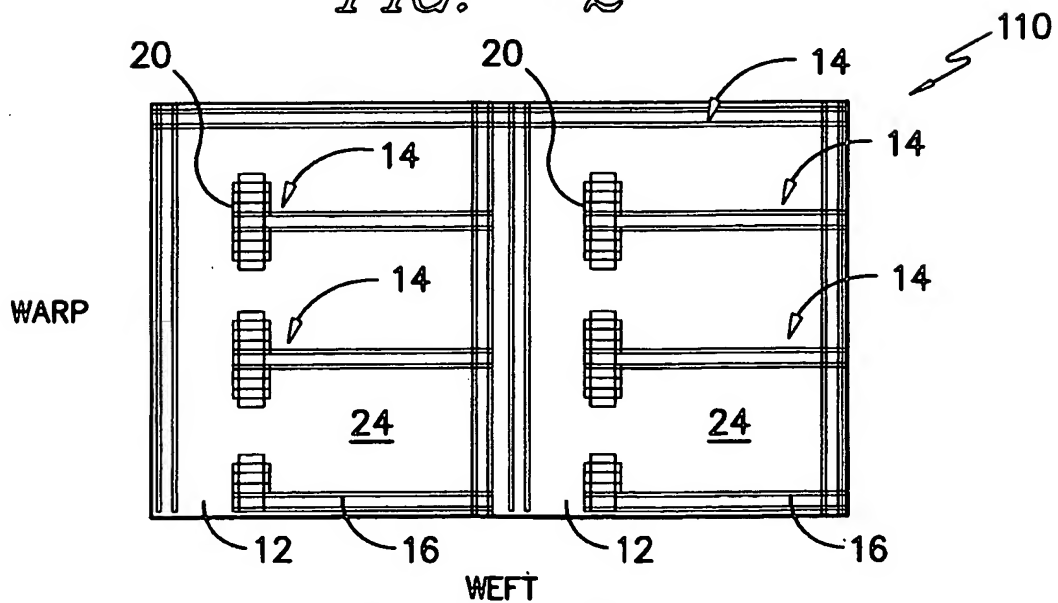


FIG. -3A-